

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Shawntee Demetrius Simon,)	C.A. No. 0:09-1866-TLW
)	
Petitioner,)	
)	
vs.)	ORDER
)	
SCDC Warden Wayne McCabe,)	
)	
Respondent.)	
_____)	

The *pro se* petitioner, an inmate at the South Carolina Department of Corrections, seeks *habeas corpus* relief under Title 28, United States Code, Section 2241. (Doc. # 1). The respondents filed a return and motion for summary judgment on October 7, 2009. (Doc. # 8). Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised by Order filed October 8, 2009 that he had thirty-four (34) days to file any material in opposition to the motion for summary judgement. (Doc. # 8). No response was filed. A second Order, giving petitioner an additional fifteen days to notify the Court if he wished to continue to pursue this action, was filed on November 16, 2009. (Doc. # 12). Again, no response was filed. This matter is now before the Court upon the Magistrate Judge's recommendation that this case be dismissed with prejudice for lack of prosecution. (Doc. # 17).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections

have been filed to the Report.¹ In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 17), and this case is **DISMISSED** with prejudice for lack of prosecution.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

January 26, 2010
Florence, South Carolina

¹The Report was sent to the plaintiff at the only address provided by the plaintiff on file with the clerk's office. The Report was returned.